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U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

File: [REDACTED] Office: Vermont Service Center

Date: 07 JAN 2002

IN RE: Petitioner:  
Beneficiary:

Petition: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. 1101(a)(27)(C)

IN BEHALF OF PETITIONER: Self-represented

**Public Copy**

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

*Robert P. Wiemann*  
for Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The immigrant visa petition was denied by the Director, Vermont Service Center. An appeal was rejected by the Associate Commissioner for Examinations. The matter is again before the Associate Commissioner on motion to reopen. The motion will be rejected.

The Form I-360 petition for special immigrant classification was filed by an official of the petitioning church on October 5, 1998. It was denied on its merits by the center director in a decision dated June 30, 1999.

A Form I-290B Notice of Appeal was timely filed by counsel for the beneficiary. The Associate Commissioner, by and through the Administrative Appeals Office (AAO), rejected the appeal due to the lack of standing of the beneficiary pursuant to 8 C.F.R. 103.3(a)(2)(v).

An official of the petitioner now files a motion to reopen the proceeding.

According to 8 C.F.R. 103.3(a)(2)(i), an appeal must be filed with the office where the unfavorable decision was made within 30 days after service of the decision. The improperly filed appeal was rejected and the time to appeal the decision of the center director of June 30, 1999 has lapsed. There is no provision allowing for the reopening of a rejected appeal. Therefore, the instant motion must be rejected.

The petitioner is free to file a new petition without prejudice.

**ORDER:** The motion is rejected.